S Gladwin
Chief Executive
Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the policies of the Amber Valley Borough Local Plan 2022-2040, and with reference to your application (**Office Code: AVA/2025/0787**) which was valid on the 18 November 2025 for permission for **Demolition of existing single storey garage and erection of new two storey 3 bedroom dwelling at 8 Lower Birchwood Somercotes Alfreton**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on drawings 2320-2-05 and 2320-2-06 received on 7.11.2025 and amended drawings 2320-02 Rev A, 2320-2-03 Rev A, 2320-2-04 rev A received on 15.12.2025.

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2026.

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3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2026.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping including all boundary treatments. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2026.

5. No development shall commence until;
   a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
   b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

   The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 196 and 197 of the National Planning Policy Framework.

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6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

   Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 196 and 197 of the National Planning Policy Framework.

7. No part of the development hereby permitted shall be brought into use until the site access and driveway/parking areas are provided in accordance with the scheme illustrated on the approved site plan 2320-2-04 B . The driveway/parking areas shall not be used for any purpose other than parking/loading/unloading of vehicles.

   Reason: In the interest of highway safety in accordance with policy IN1 of the Adopted Local Plan 2026 and Part of the NPPF

8. No part of the development hereby permitted shall be brought into use until a hard surfaced footway/verge crossing to serve the driveway from Cockshutts Lane is available for use and has been constructed in accordance with the highway authority's specification to the satisfaction of the Local Planning Authority.

   Reason: In the interest of highway safety in accordance with policy IN1 of the Adopted Local Plan 2026 and Part of the NPPF

9. Prior to occupation, 2m x 2m pedestrian splays shall be provided on both sides of the site access driveway. Such splays shall be free of obstruction above a height of 0.6m above adjacent footway level and shall be maintained for the life of the development.

   Reason: In the interest of pedestrian safety in accordance with policy IN1 of the Adopted Local Plan 2026 and Part of the NPPF

10. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum length of 5m within the site measured from the highway boundary, in

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accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

Reason: In the interest of highway safety in accordance with policy IN1 of the Adopted Local Plan 2026 and Part of the NPPF

11. No part of the development hereby permitted shall be brought into use until the access driveway/parking areas are constructed with provision to prevent the unregulated discharge of surface water to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Of which the approved details shall be retained for the life of the development.

    Reason: To ensure that surface water from the site is not deposited on the public highway causing danger to road users.

12. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for secure, covered cycle parking facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

    Reason: In the interest of highway safety and furthering travel by sustainable modes in accordance with the NPPF

13. No part of the development hereby permitted shall commence until wheel washing/cleaning facilities have been installed on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall always be maintained in working order and shall be used by any vehicle carrying mud, dirt, or other debris on its wheels before leaving the site so that no mud, dirt, or other debris is discharged or carried onto the public highway.

    Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in the interest of highway safety in accordance with policy IN1of the Adopted Local Plan 2026 and Part 9 of the NPPF.

14. No development shall take place until a revised Biodiversity Net Gain metric and Biodiversity Gain Plan has been submitted to and agreed in writing by the Local Planning Authority.

    The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

15. To provide enhancements, in line with the aims for the NPPF (2024), a Bat and Bird Box Plan shall be submitted to an approved in writing by the Local Planning Authority prior to the commencement of works.

    Reason: To improve the biodiversity of the local area in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2026.

16. No development, including any site clearance, shall commence until protective fencing and ground protection measures for all trees to be retained have been installed in accordance with BS 5837:2012. The fencing shall be positioned to enclose the full Root Protection Area (RPA) of each retained tree unless otherwise agreed in writing by the Local Planning Authority.
    Within the fenced off areas:
    o No storage of materials, equipment, soil or waste shall take place
    o No mixing of cement or chemicals shall occur
    o No fires shall be lit
    o No vehicles, plant or machinery shall enter or be operated
    o No excavation, level changes or ground disturbance shall take place
    The protective fencing and ground protection measures shall be retained in place for the duration of the construction works and shall not be moved or altered without the prior written approval of the Local Planning Authority.

    Reason: The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with policy EN7 of the Adopted Amber Valley Borough Local Plan 2026.

17. No development shall take place until an intrusive investigation of the site has been undertaken to ascertain whether the site is affected by the presence of mine and/or landfill gas. The results of the investigation shall be provided to, and approved by, the Local Planning Authority and where necessary, shall include a scheme of gas protection measures to ensure that no build up or ingress of gas occurs within the development.

    A validation report verifying the measures taken, if any, must be produced for approval by the Local Planning Authority before bringing the development into use.

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Reason: The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with paragraphs 196 and 197of the National Planning Policy Framework.

Notes
Attention is drawn to the attached notes:

1 Planning permission does not convey consent to work on or adjacent to the public highway.

Prior to any works commencing on site, including demolition works, the developer must obtain the highway authority's consent.

The developer must obtain a license under Section 184 of the Highways Act 1980 before commencing any works on the highway.

Details are available at: www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

2 The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

3 The content of the Biodiversity Net Gain report shall include the following:
-Baseline data collection and assessment of current conditions on site;
-A commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain (BNG) Principles have been applied to maximise benefits to biodiversity;
-Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
-Details of the implementation measures and management of proposals;

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-Details of any off-site provision to be secured by a planning obligation;
-Details of the monitoring and auditing measures.

4 All works should be undertaken in a manner by which to safeguard common reptiles, amphibians, hedgehog, badger and nesting birds. Immediately prior to commencement, the footprint of works should be checked for any wildlife. If any active bird nest is discovered, works must be delayed until chicks have fledged. Active nests are protected by law.

Any scrub or shrubs requiring removal should be cut by hand to ground level and removed from the footprint of works so as not to create habitat piles. If common amphibians or reptiles are discovered, they should be allowed to move away freely or can be carefully collected with gloved hand and clean container and moved to an area of safety.

All excavations shall be covered overnight or else have an escape ramp installed to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

5 The Plan shall include, as a minimum, the installation of one integral swift brick and one integral bat box to be installed at a suitable location.

6 'The applicant is advised to consider whether there have been any potentially contaminative activities, processes or materials brought to the development site which might have resulted in ground contamination. Agricultural, commercial and industrial land can be associated with fuels, oils, lubricants, solvents, other chemicals; sheep dips, pesticides, manure heaps / slurry pits; poor waste handling practices, including disposal of materials by burning and burial; asbestos fragments/fibres; 'made-ground' - importation and use of non-native soils. Exposure to these materials can, in certain circumstances, be harmful to human health and the wider environment.

In accordance with S197 of the National Planning Policy Framework (NPPF), responsibly for contaminated land rests with the developer. The developer is responsible for any harms that may subsequently occur as a consequence of their actions or inactions. As such, it is in the developer's interest to disclose any contaminated land constraints of a material concern at the planning stage. The

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developer should be aware that actions or omissions on their part could lead to liability being incurred, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway.

The applicant should seek professional advice (as appropriate) should contamination be suspected at any stage of the development and inform the Council's Scientific Officer at the earliest opportunity.

More information regarding land contamination can be found on the Councils Land Pollution web page (Land contamination).

The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present on any building to be demolished or altered. More information regarding ACM can be found on the Health and Safety Executives web page (www.hse.gov.uk/asbestos).'

Reasons for Granting Permission

In granting permission for this development, the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the policies of the Amber Valley Borough Local Plan 2022-2040:

IN1 - Transport
EN11 - Derelict, Unstable & Contaminated Land
EN7 - Landscape Character & Features
SS1 - Presumption in favour of Sustainable
SS3 - Settlement Hierarchy
SS9 - Countryside
H3 - Adjacent to Other Villages & Settlements
EN15 - Quality and Design of Development
EN8 - Biodiversity
EN9 - Biodiversity Gains

In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

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The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 of the NPPF the local planning authority has approached the decision-making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively, you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should**

be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.